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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,269	09/27/2004	Mahito Kawano	TIP-04-1238	5364
35811 7590 06/11/2008 IP GROUP OF DLA PIPER US LLP ONE LIBERTY PLACE 1650 MARKET ST, SUITE 4900 PHILADELPHIA, PA 19103				
EXAMINER CHEVALIER, ALICIA ANN				
ART UNIT		PAPER NUMBER		
1794				
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06/11/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/509,269

Applicant(s)

KAWANO ET AL.

Examiner

ALICIA CHEVALIER

Art Unit

1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

RESPONSE TO AMENDMENT

1. Claims 1-17 are pending in the application.

REJECTIONS

2. **The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.**

Claim Rejections - 35 USC § 103

3. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oka et al. (U.S. Patent No. 6064524) in view of Murata et al. (U.S. Patent No. 5,886,819

Regarding Applicant's claims 1 and 2, Oka discloses a multilayer film (*optical functional materials, title*) comprising a substrate film (a) (*col. 8, line 43*), a hard coat layer (b) containing a (meth)acrylate compound (*col. 18, lines 1 and 34*), an electrically conductive layer (c) containing electrically conductive particles (*col. 12, lines 16-30*), and a resin layer (d) containing a fluorine compound (*col. 12, line 53 through col. 13, line 11*), those three layers being disposed on at least one face of the substrate film (a) (*figure 15 a*). The resin layer (d) has fine irregularities on the surface (*figure 15 a*). The surface of the resin layer (d) of the multilayer film has a reflectance of less than 2% (*col. 1, lines 44-45*).

Oka fails to disclose the resin layer having an arithmetic average surface roughness Ra ranging from 0.003 μm to 0.025 μm or a haze of less than 3%.

Murata discloses antiglare material having an arithmetic average surface roughness R_a ranging from $0.003\text{ }\mu\text{m}$ to $0.025\text{ }\mu\text{m}$ (*col. 3, lines 61-64*) or a haze of less than 3% (*col. 4, lines 5-20*). If the R_a is too high a glittering phenomenon occurs and if it is too small there is insufficient antiglare effect. Likewise if the haze is too low it will cause a decrease in the antiglare effect and if it is too high the contrast of the images would be decreased.

It would have been obvious to one of ordinary skill in the art at the time of the invention to having an arithmetic average surface roughness R_a ranging from $0.003\text{ }\mu\text{m}$ to $0.025\text{ }\mu\text{m}$ or a haze of less than 3% for the resin layer in Oka as taught by Murata in order to insure good visibility through the film.

Regarding Applicant's claims 3 and 4, Oka discloses that the substrate contains a polymer containing one selected from the group consisting of the ester, the acetate and the acrylate (*col. 8, lines 43-55*).

Regarding Applicant's claims 5-7, Oka discloses that the electrically conductive layer (c) has a thickness of $0.01\text{ }\mu\text{m}$ to $1.0\text{ }\mu\text{m}$ (*col. 9, lines 63-67*) and contains a metal oxide particles (*col. 12, lines 16-30*).

Oka fails to disclose the particle content. However the exact weight percent of the content of particles is deemed to be a result effective variable with regard to the antiglare/High index of refraction property. It would require routine experimentation to determine the optimum value of a result effective variable, such as weight percent of content, in the absence of a showing of criticality in the claimed weight percent. *In re Boesch*, 205 USPQ 215 (CCPA 1980), *In re Woodruff*, 16 USPQ2d 1934, 1936 (Fed. Cir. 1990).

Regarding Applicant's claims 8-10 and 12, Oka discloses that the resin layer (d) contains a flourine-containing copolymer having a vinyl ether in principle and/or an alkoxysilyl group (*col. 12, line 53 through col. 13, line 11*) and silica particles with a particle size of 0.001 μm to 0.2 μm and two or more particle size distribution (*col. 9, lines 33-44*).

Regarding Applicant's claim 11, Oka discloses a silane coupling agent that meets the formulas of claim 11 (*col. 16, lines 1-20*).

Regarding Applicant's claims 13-17, the preambles "display film," "display", "display filter," "front protector panel" and "plasma display" are deem to be a statement with regard to the intended use and is not further limiting in so far as the structure of the product is concerned. In article claims, a claimed intended use must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art.

ANSWERS TO APPLICANT'S ARGUMENTS

4. Applicant's arguments in the response filed February 19, 2008 regarding the 35 U.S.C. 103 rejection over Oka in view of Murata have been fully considered but they are not persuasive.

Applicant argues that Oka discloses a hard coat layer containing conductive particles, instead of two separate layers as claimed. The examiner respectfully disagrees. Oka specifically discloses an antiglare layer with conductive particles (*col. 12, lines 16-30*) and a separate hard coat layer (*col. 18, lines 1-34*).

Applicant further argues that Oka does not disclose that the resin layer (d) of the multilayer film has a reflectance of less than 2%. Applicant further points out that there is no mention of a reflectance of less than 2% that is associated with any Oka film in that portion of the text cited by the examiner.

The passage cited by the examiner states that the entire film of Oka will allow 100% of light pass through (*col. 1, lines 44-45*). Therefore, there will be zero to minimal percent reflection in all layers.

Applicant argues that Murata discloses Ra in the range of 0.03-0.3 microns and Applicant claims 0.003-0.025. Murata discloses that Ra is about 0.03-0.3 microns. The term about includes values below and above the cited ranges. Therefore, about 0.03 is deemed to read on 0.025.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Chevalier whose telephone number is (571) 272-1490. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye, can be reached on (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Alicia Chevalier/
Primary Examiner, Art Unit 1794
6/11/2008